IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

Civil Writ Petition No.17650 of 2006
Date of Decision: December 7,2006

Hari Singh Yadav ..Petitioner

Versus

State of Haryana and others ..Respondents

CORAM:- **HON'BLE MR. JUSTICE VINEY MITTAL**
HON'BLE MR. JUSTICE H.S.BHALLA

Present:- Mr. P.K.Mutneja, Advocate
for the petitioner.

Mr. Ashok Jindal, Addl.Advocate General,
Haryana for the respondents.

VINEY MITTAL, J.

This order shall dispose of three Civil Writ Petitions being C.W.P. Nos. 17650, 18645, and 18709 of 2006 as common questions of facts and law are involved in all these three petitions.

For the sake of convenience, facts are borrowed from Civil Writ Petition No. 17650 of 2006.

The petitioner filed an application for the allotment of an Industrial Plot in I.M.T., Manesar, district Gurgaon, on November 2,2000. The aforesaid application was accompanied by the requisite amount. After the allotment process was completed, petitioner was declared successful and found fit for the allotment of an Industrial Plot. A plot measuring 1012.50 sq.mt.numbering 394, Sector 8, I.M.T.Manesar, was ordered to be allotted to the petitioner at a total tentative cost of Rs.25,31,250/-. The petitioner claims that he had already deposited 25% of the total cost and the rest of the amount was payable in five equal six monthly instalments along with interest at the rate of 11% per annum. An agreement dated December 24,2004 was also signed between the petitioner and

respondent No.2-Haryana State Industrial Development Corporation. However, the possession of the said plot was not delivered to the petitioner. On April 7,2006, petitioner was informed by the communication sent by the respondent-Corporation that the allotment of the aforesaid plot in his favour had been cancelled, as it had been realised that the aforesaid plot stood already allotted to one Shri P.R.Bansal. Consequently, the amount depoisted by the petitioner was refunded. He was also required to submit the details of his Pan Number so that the amount of interest could also be deposited. It is in these circumstances that the petitioner has approached this Court through the present writ petition.

At the time when the case had been taken up for motion hearing on November 09, 2006, learned counsel appearing for the petitioner had contended that even if the plot, which was originally allotted to the petitioner stood already allotted to another person and was no more available for allotment to the petitioner, still vide representation dated June 13, 2006 (Annexure P-9), the petitioner had made a request that in case the original plot No.394, Sector 8, I.M.T. Manesar, was not available for allotment, the petitioner be allotted an alternative industrial plot. In this regard, learned counsel appearing for the petitioner had relied upon a judgment of the Apex Court in **Hira Tikkoo v. Union Territory, Chandigarh,** 2004 (6) SCC 765**.**

Learned counsel appearing for the petitioner has reiterated the aforesaid arguments today as well. It has been contended that the petitioner does not press for allotment of the original plot No.394, Sector 8, IMT Manesar, inasmuch as the same was not available for allotment, but in any case, the claim of the petitioner should have been considered by the respondent-Corporation for allotment of an alternative plot keeping in view the law laid down by the Apex Court in **Hira Tikkoo's case** (supra).

Keeping in view the facts and circumstances of the case and

also the fact that concededly, originally allotted plot was not even available for allotment to the petitioner, since the same had already been allotted in favour of another person, the claim made by the petitioner for allotment of an alternative plot has to be considered by the respondent-Corporation, in the light of facts and circumstances of the case and also taking into consideration the law laid down in **Hira Tikkoo's case** (supra).

Consequently, we dispose of all these writ petitions with a direction to the respondent-Corporation to take a decision on the request made by the petitioner for allotment of an alternative plot in accordance with law. Necessary process in this regard shall be completed by the respondent-Corporation within a period of four months from the date a certified copy of this order is received.

A copy of the order be given dasti on usual payment.

(VINEY MITTAL)
JUDGE

(H.S.BHALLA)
JUDGE

December 07,2006
vk